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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,094	01/12/2001	Jens Baltersee	2-2-2	1665
46900	7590	12/23/2005	EXAMINER	
MENDELSON & ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102			CORRIELUS, JEAN B	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/760,094	Applicant(s) BALTERSEE ET AL.	
	Examiner Jean B. Corrielus	Art Unit 2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15, 17, 19, 20 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-5, 7-15, 17, 19, 20 and 24-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/4/05 has been entered.

Claim Objections

2. Claims 1-5, 7-15, 17, 19, 20, 24-31 are objected to because of the following informalities:

Claim 1, line 4, and line 5, "particular" should be deleted, respectively; line 6, the limitation "received signal (10, 13)" suggests that there is a received signal (10) and a received signal (13) while in fact there is only a single received signal (10) or (13). It is suggested that line 6 be amended to recite "digitizing (14) a signal (13) derived from the electromagnetic signal (10)"; line 9 and line 10, the word "stream" recited in combination with "detection" and "synchronizing" suggests that such limitation is a soft format type signal while in fact it is a piece of hardware. It is suggested that the claim be amended to replace "stream" by a term more appropriate to a physical component of the receiving apparatus line 12, "particular" should be deleted; line 13, for the recitation "stream" see

comment made in reference to lines 9 and 10; line 11, (111) should be inserted after "signal" for consistency; line 22 recites that the "intermediate signal" is generated from "the first decorrelated signal". However, according to the specification and the drawing see fig. 3, the intermediate signal 116 is derived **in part from the difference** between the first and second decorrelated signals. It is suggested that line 13, be amended as follow: "and a second decorrelated signal" should be inserted after "decorrelated signal" and line 22 also should be amended as follow: "from the first decorrelated signal" should be replaced by "in part from the difference between the first and second decorrelated signals" so as to be consistent with the specification and the drawing. In addition line 22, before the period, "to produce an interference reduced complex signal (y)" should be inserted so as to provide antecedent basis for similar limitation recited in claim 7.

Claim 5, "(111)" should be inserted after "signal" in both occurrences; lines 2-3, "complex-conjugate pseudo-noise code sequence" should be replaced by "said code sequence" so as to be consistent with recitation in claim 1 or claim 1 should be amended to recite "complex-conjugate pseudo-noise code sequence" instead of "said code sequence" in line 5 and 12, for consistency.

Claim 7, line 2, "(118,x)" should be replaced by "(118)"; line 2, "(126)" should be deleted. In addition the limitation of claim 7 should be recited in the "present tense" not in the "passive form"

Claim 8 "part x" should be replaced by "part (118)" and "the interference reduced" should be inserted before "complex" and "(116, y)" should be replaced by "(y)". In

addition the limitation of claim 8 should be recited in the "present tense" not in the "passive form"

Claim 7 would be substantially the duplicate of claim 8 after being amended.
Therefore, It is suggested that claim 8 be canceled.

The limitation of claim 9 should be recited in the "present tense" not in the "passive form". In addition, "real part" should be inserted before "interference"; "(118,X)" should be "(y)". The dependency of claim "9" should be changed to "7" so as to provide antecedent basis for "the real part of the interference...".

Claim 12, "prior to" should be deleted; "step f)" should be replaced by "step e) comprising distributing" and "is distributed" should be deleted.

The limitation of claim 13 should be recited in the "present tense" not in the "passive form". The limitation "as said first and second decorrelation signals" should be inserted after", respectively for consistency.

Claim 14, line 2, "a" should be "said". The limitation of claim 14 should be recited in the "present tense" not in the "passive form. In addition, if the examiner suggestion is adopted, claim 14 should be deleted as it would not further limit the base claim. And the dependency of claim 15 would need to be changed accordingly.

The limitation of claim 15 should be recited in the "present tense" not in the "passive form.

Claim 17, line 4, "said" should be deleted.

Claim 19, as per the limitation ""digitizing the received signal (10, 13) see comment related to similar limitation in claim 1.

As per claim 20, if the examiner suggestion is adopted with respect to claim 26, the limitations recited after "detector" up to the period, would be redundant and need to be deleted.

As per claim 24, line 2, "(112)" and "(121, 122)" should be deleted.

As per claim 25, line 1, ", which" should be replaced by "wherein the rake receiver"; line 2, "system" should be inserted so as to provide antecedent basis for similar limitation in claim 27.

As per claim 26, every occurrence of "particular" should be deleted; line 7, and line 8 "of" should be inserted after "(110)" and "111", respectively; lines 24-25 recites that the "intermediate signal (116)" is generate from "the first decorrelated signal". However, according to the specification and the drawing see fig. 3, the intermediate signal 116 is derived **in part** from **the difference** between the first and second decorrelated signals. Therefore, it is suggested to inserted after line 17, the following limitations:" a second correlator (122) adapted to decorrelate the second version of the digitized signal using the code sequence to generate a second decorrelated signal (114)" and line 24 "from the" should be replaced by "in part from the difference between the first and second"; line 25 "signal" should be signals".

Claim 27, line 1, the dependency should be changed from "26" to "25" so as to make use of antecedent "CDMA system".

Claim 29, every occurrence of "particular" should be deleted, respectively; line 6, the limitation "received signal (10, 13)" suggests that there is a received signal (10) and a received signal (13) while in fact there is only a single received signal (10) or (13). It is

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suggested that line 6 be amended to recite "digitizing (14) a signal (13) derived from the electromagnetic signal (10)"; line 9, as per "stream" recited in the claim, see comment made in claim 1 reciting similar limitation; line 11, "(111)" should be inserted after "signal" for consistency; line 20 recites that the "intermediate signal" is generated from "the first decorrelated signal". However, according to the specification and the drawing see fig. 3, the intermediate signal 116 is derived **in part** from **the difference** of the first and second decorrelated signals. It is suggested that line 13, be amended as follow: "and a second decorrelated signal" should be inserted after "decorrelated signal" and line 20 also should be amended as follow: "from the first decorrelated signal" should be replaced by "in part from the difference between the first and second decorrelated signals" so as to be consistent with the specification and the drawing.

As per claim 30, "27" should be changed to "29"; line 1, "interference reducing means" should be replaced by "means for reducing the interference" for consistency.

As per claim 31, "27" should be changed to "29" and line 1, "interference reducing means" should be replaced by "means for reducing the interference" for consistency.

Note that any claim whose base claim is objected is likewise objected.

Appropriate correction is required.

Specification

3. The objection to the disclosure has been withdrawn.

Drawings

4. The objection to the drawing has been withdrawn. However, upon further consideration a new objection is set forth below.

5. The drawings are objected to because of the following informalities. Fig. 3, output of summer "124" signal "115" should be changed to "117" so as to be consistent with specification page 11, line 6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. In view of applicant's argument, filed on 11/4/05, the prior art rejection has been withdrawn.

Allowable subject matter

7. Claims 1-5, 7-15, 17, 19, 20, and 24-31 would be allowable if amended to overcome the objection set forth above.

Conclusion

8. This application is in condition for allowance except for the formal matters noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.


A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean B Cornelius
Primary Examiner
Art Unit 2637 12-21-05